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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION SEVEN

In re ALBERTO A. et al., Persons Coming
Under the Juvenile Court Law.

B269539

(Los Angeles County
Super. Ct. No. DK12818)

LOS ANGELES COUNTY
DEPARTMENT OF CHILDREN AND
FAMILY SERVICES,

Plaintiff and Respondent,

v.

GABRIELA V.,

Defendant and Appellant.

APPEAL from an order of the Superior Court of Los Angeles, Julie Fox
Blackshaw, Judge. Dismissed.

Christopher R. Booth, under appointment by the Court of Appeal, for Defendant
and Appellant.

Mary C. Wickham, County Counsel, R. Keith Davis, Acting Assistant County
Counsel, and Stephen D. Watson, Deputy County Counsel, for Plaintiff and Respondent.

Gabriela V., the mother of now 18-year-old Alberto A., 16-year-old Miguel A., 14-year-old A.A. and 13-year-old Estrella A., appeals from the jurisdiction findings and disposition order declaring her children dependents of the juvenile court and removing them from her custody after the court sustained an amended petition pursuant to Welfare and Institutions Code section 300¹ alleging Gabriela had physically abused her children, engaged in violent altercations with her boyfriend in their presence and created a detrimental and dangerous home in which a drug pipe was accessible to her children. Without challenging two other bases for jurisdiction or the propriety of the disposition order, Gabriela contends there is insufficient evidence to support the jurisdiction finding of physical abuse. Because we cannot grant Gabriela any effective relief, we dismiss the appeal.

FACTUAL AND PROCEDURAL BACKGROUND

1. The Petition

On August 10, 2015 the Los Angeles County Department of Children and Family Services (Department) filed a petition under section 300 alleging Gabriela had physically abused her children by striking her sons with belts and slapping their bodies with her hands and pulling her daughters' hair. The Department alleged the physical abuse was excessive and caused her children unreasonable pain and suffering. The Department also alleged that Gabriela and her live-in boyfriend, Juan P., had a history of engaging in mutually combative violent altercations in the presence of her children, and Gabriela's conduct and failure to protect her children placed them at substantial risk of harm. The court ordered the children detained and placed with their maternal grandmother.

2. The Jurisdiction and Disposition Hearing

After a contested combined jurisdiction and disposition hearing, the court amended the petition by interlineation to remove allegations that Gabriela had used a belt or pulled her children's hair, but retained all remaining allegations of physical abuse, domestic violence and a detrimental home environment. The court sustained the

¹ Statutory citations are to this code.

allegations as amended under section 300, subdivisions (a), (b) and (j), declared all four children dependent children of the court and removed them from Gabriela's custody. The court ordered family reunification services for Gabriela, including parenting classes, random drug testing, individual counseling and monitored visitation.²

DISCUSSION

Gabriela contends the court's jurisdiction finding she had physically abused her children, causing them unreasonable pain and suffering (§ 300, subd. (a)), was not supported by substantial evidence. Gabriela acknowledges the juvenile court's findings of domestic violence and a detrimental and dangerous home environment, which she does not contest, provide an independent basis for affirming the exercise of dependency jurisdiction over the children. (See *In re J.L.* (2014) 226 Cal.App.4th 1429, 1435 [“[a]s long as there is one unassailable jurisdictional finding, it is immaterial that another might be inappropriate”]; *In re I.A.* (2011) 201 Cal.App.4th 1484, 1492 [parent's appeal challenging some, but not all, jurisdiction findings did not raise justiciable issue for which the court could grant any effective relief].) Nonetheless, she urges us to consider the merits of the appeal, arguing the physical abuse finding could have adverse consequences in this proceeding and in future dependency or family law proceedings.

In limited circumstances, reviewing courts have exercised their discretion to consider an appeal challenging a jurisdiction finding despite the existence of an independent and unchallenged ground for jurisdiction. (See *In re Drake M.* (2012) 211 Cal.App.4th 754, 763 [when the outcome of the appeal could be “the difference between [mother]'s being an ‘offending’ parent versus a ‘non-offending’ parent,” a finding that could result in far-reaching consequences with respect to these and future dependency proceedings, it is appropriate for reviewing court to exercise its discretion to consider appeal on its merits]; *In re D.P.* (2015) 237 Cal.App.4th 911, 917 [same].)

² The children's nonoffending father, who resides in Mexico, received notice of, and participated in, the proceedings. He is not a party in this appeal.

Here, in contrast, a determination of the appeal in Gabriela's favor would not change her status from an offending parent to a nonoffending one.

Gabriela's argument the physical abuse finding "could" unfairly expand the substance of the counseling she must receive as part of her reunification services or affect the evaluation of her compliance with those services falls far short of demonstrating the requisite potential for prejudice. Gabriela's explosive temper was the subject of both the physical abuse and the domestic violence allegations. Consequently, neither the court's order for individual counseling to address her violent conduct nor its evaluation of her compliance with her case plan in these proceedings would be affected by a reversal of the physical abuse finding.

Finally, the court struck the most inflammatory elements of the physical abuse allegations. That Gabriela excessively slapped her children's bodies with her hands, the specific allegation the court sustained, is not particularly stigmatizing, nor is it likely to have any greater prejudicial effect in future dependency court or family law proceedings than allegations she engaged in similar (and worse) behavior with her live-in companion in her children's presence. Because Gabriela has not established any actual or threatened prejudice from the one jurisdictional finding she challenges, we dismiss the appeal on the ground there is no justiciable controversy for which we can grant any effective relief. (*In re Briana V.* (2015) 236 Cal.App.4th 297, 309-310; *In re I.A.*, *supra*, 201 Cal.App.4th at p. 1492.)

DISPOSITION

The appeal is dismissed.

PERLUSS, P. J.

We concur:

ZELON, J.

SEGAL, J.